

1 UNITED STATES DISTRICT COURT

2 NORTHERN DISTRICT OF CALIFORNIA

3 BEFORE THE HONORABLE SUSAN ILLSTON, JUDGE

4 UNITED STATES OF AMERICA,

5 PLAINTIFF,

6 VS.

NO. CR 07-0705 SI

7 EDMUND JEW,

PAGES 1 - 6

8 DEFENDANT.

9
10 SAN FRANCISCO, CALIFORNIA

FRIDAY, MARCH 21, 2008

11 TRANSCRIPT OF PROCEEDINGS

12 APPEARANCES:

13 **FOR THE PLAINTIFF:**

14 UNITED STATES ATTORNEY'S OFFICE

15 450 GOLDEN GATE AVENUE

16 SAN FRANCISCO, CALIFORNIA 94102

17 BY: TRACIE BROWN, ASSISTANT UNITED STATES ATTORNEY AND

18 MICHAEL WANG, ASSISTANT UNITED STATES ATTORNEY

19 **FOR THE DEFENDANT:**

20 STUART HANLON, ESQUIRE

21 179 11TH STREET

22 2ND FLOOR

23 SAN FRANCISCO, CALIFORNIA 94103

24 REPORTED BY: KATHERINE WYATT, CSR, RPR, RMR

25 OFFICIAL REPORTER, USDC

COMPUTERIZED TRANSCRIPTION BY ECLIPSE

1 MARCH 21, 2008

11:00 O'CLOCK A.M.

2
3 P R O C E E D I N G S

4 **THE CLERK:** CALLING CRIMINAL 07-705, UNITED STATES
5 VERSUS EDMUND JEW.

6 **MS. BROWN:** GOOD MORNING, YOUR HONOR. TRACIE BROWN
7 AND MICHAEL WANG FOR THE UNITED STATES.

8 **MR. WANG:** GOOD MORNING.

9 **THE COURT:** GOOD MORNING.

10 **MR. HANLON:** GOOD MORNING, YOUR HONOR. STUART HANLON
11 FOR MR. JEW, WHO IS PRESENT.

12 **THE COURT:** GOOD MORNING.

13 **THE DEFENDANT:** GOOD MORNING.

14 **THE COURT:** WELL, I DO HAVE DEFENDANT'S MOTION ON
15 CALENDAR TODAY. I RECEIVED ALL THE PAPERWORK. AND FROM READING
16 THE REPLY, MR. HANLON, YOU INDICATED THAT HAD YOU KNOWN THEN
17 WHAT YOU KNOW NOW YOU WOULD NOT HAVE FILED THE MOTION; IS THAT
18 RIGHT?

19 **MR. HANLON:** CORRECT, FOR THE REASONS STATED THERE.

20 **THE COURT:** BUT IT'S NOT WITHDRAWN?

21 **MR. HANLON:** NO, IT'S SUBMITTED. I THINK IT'S
22 OBVIOUS THE COURT IS GOING TO DENY IT. I SEE NO REASON TO
23 WITHDRAW IT AT THIS POINT. I THINK THE COURT --

24 **THE COURT:** ALL RIGHT.

25 **MR. HANLON:** I MEAN, I STATED REASONS. I DON'T THINK

1 IT MATTERS WHETHER I WITHDRAW IT OR YOU DENY IT.

2 THE COURT: RIGHT. WELL, IT SEEMS TO ME THAT THE
3 REPLY THAT YOU SUBMITTED SUGGESTED THAT IT TURNS OUT THAT THE
4 MOTION WAS UNNECESSARY.

5 MR. HANLON: RIGHT. IT TURNS OUT THAT THERE WAS NO
6 GOVERNMENT INVOLVEMENT IN WHAT I BELIEVED WAS THE MISCONDUCT,
7 AND THEREFORE THE MOTION DOESN'T LIE IN THIS PROCEEDING AT THIS
8 POINT. THERE'S NO GOVERNMENT MISCONDUCT. THAT'S THE KEY.

9 THE COURT: ON THAT'S BASIS, THEN, IT'S DENIED.

10 MR. HANLON: I THINK THAT'S FINE.

11 THE COURT: NOW, WHAT'S THE STATUS, AND WHAT SHALL WE
12 DO?

13 MR. HANLON: WE WOULD LIKE TO -- WE TALKED ABOUT
14 SETTING A TRIAL DATE FOR JULY 7, IF YOU'RE AVAILABLE. IF NOT,
15 SOMETIME AROUND THEN. AND WE CONTINUE TO DISCUSS THE CASE. AND
16 WE'LL ADVISE THE COURT, BUT I THINK AT THIS POINT WE SHOULD PICK
17 A TRIAL DATE; IS THAT CORRECT?

18 MR. WANG: YES. YES.

19 MS. BROWN: THAT IS CORRECT.

20 THE COURT: OKAY. AND IS JULY 7 --

21 MR. HANLON: THAT'S FINE WITH ME.

22 MR. WANG: YES, IF THAT'S AVAILABLE WITH THE COURT.

23 THE COURT: ALL RIGHT. HOW LONG WOULD YOU EXPECT THE
24 TRIAL TO TAKE?

25 MR. WANG: YOUR HONOR, I WOULD ANTICIPATE THE

1 GOVERNMENT'S CASE-IN-CHIEF WOULD BE APPROXIMATELY TWO WEEKS,
2 POSSIBLY TWO WEEKS AND CHANGE, DEPENDING ON SOME TRANSLATOR
3 INTERPRETATION ISSUES.

4 **MR. HANLON:** I BELIEVE OUR CASE WOULD PROBABLY BE
5 ABOUT A WEEK. WE'RE LOOKING AT A THREE-WEEK TRIAL.

6 **THE COURT:** IN ADDITION, SO THAT WOULD BE THREE
7 WEEKS?

8 **MR. HANLON:** YES, MAYBE TWO-AND-A-HALF.

9 **THE COURT:** ALL RIGHT. I JUST WANT YOU TO KNOW THAT
10 I CAN GIVE YOU THREE WEEKS EXACTLY. THE FOLLOWING WEEK,
11 HOWEVER, IS THE NINTH CIRCUIT JUDICIAL CONFERENCE, AND I'M
12 SUPPOSED TO GO TO THAT, SO --

13 **MR. HANLON:** I'M SUPPOSED TO GO AWAY THAT WEEK, TOO.

14 **THE COURT:** -- SO WE COULDN'T RUN PAST THAT, JUST SO
15 YOU KNOW THAT WOULD BE A COMPLICATING --

16 **MR. WANG:** THAT'LL GIVE ALL SIDES AN INCENTIVE TO TRY
17 THE CASE EXPEDITIOUSLY.

18 **MR. HANLON:** RIGHT, A BIG INCENTIVE.

19 **THE COURT:** ALL RIGHT. THEN, WE WILL SET IT FOR
20 TRIAL. THAT WOULD BE 8:30, MONDAY, JULY 7TH. THE PRETRIAL
21 CONFERENCE WOULD BE --

22 **MR. HANLON:** YOUR HONOR, IT IS POSSIBLE THE MONTH
23 BEFORE I'M GOING TO BE IN TRIAL IN CONTRA COSTA. I BELIEVE JUDGE
24 ZUNIGA IS GIVING US OFF FRIDAYS, OR SHE WILL. IF WE CAN HEAR IT
25 ON A FRIDAY, WE COULD SET -- YOU COULD SET IT AT A NORMAL TIME,

1 AND I COULD ASK IN ADVANCE, KNOWING FAR IN ADVANCE, IF WE COULD
2 GET OFF THAT AFTERNOON.

3 ARE YOU GOING TO SET IT IN THE AFTERNOON?

4 **THE COURT:** YES, I NORMALLY WOULD HAVE IT AT 3:30 IN
5 THE AFTERNOON.

6 **MR. HANLON:** THAT WOULD WORK. I'M SURE SHE WOULD LET
7 US OFF EARLY. THAT WOULD BE FINE.

8 **THE COURT:** IT WOULD BE TUESDAY, JUNE 24TH, AT 3:30
9 IN THE AFTERNOON.

10 **MR. WANG:** THAT'S FINE, YOUR HONOR.

11 **MR. HANLON:** AND IF THERE'S A PROBLEM AND WE HAVEN'T
12 FIGURED THIS OUT I WILL -- I'LL TALK TO JUDGE ZUNIGA IN THE NEXT
13 TWO WEEKS.

14 **THE COURT:** OKAY.

15 **MR. HANLON:** IF THERE'S A PROBLEM, I'LL ADVISE THE
16 GOVERNMENT, BUT I'M SURE IT WILL BE OKAY.

17 **THE COURT:** THAT WOULD BE FINE. AND WE CAN WORK IT
18 OUT, HOWEVER IT WORKS FOR YOU, BUT LET'S LEAVE IT THERE FOR THE
19 TIME BEING.

20 **MR. HANLON:** THAT WOULD BE FINE.

21 **MS. BROWN:** THAT'S FINE, YOUR HONOR.

22 **MR. HANLON:** THANK YOU, YOUR HONOR.

23 **THE COURT:** NOW, DO WE NEED ANY FURTHER MOTION DATES
24 OR ANYTHING LIKE THAT?

25 **MR. HANLON:** I WON'T REFILE THIS MOTION.

1 **MS. BROWN:** NO, BUT I DO THINK WE NEED TO EXCLUDE
2 TIME.

3 **MR. HANLON:** RIGHT.

4 **MS. BROWN:** MY UNDERSTANDING IS THAT -- CORRECT ME IF
5 I'M WRONG -- THAT MR. HANLON PROBABLY NEEDED A LITTLE MORE TIME
6 TO GO THROUGH THE DISCOVERY AND PREPARE THE CASE.

7 **MR. HANLON:** THAT'S TRUE. ALSO, WE'RE STILL DOING
8 THE TAPES AND TRYING TO GET THEM WORKED OUT. SO WE NEED MORE
9 TIME FOR THAT. WE EXCLUDE TIME FOR PREPARATION OF COUNSEL.

10 **THE COURT:** IS THAT ALL RIGHT WITH YOU, MR. JEW?

11 **THE DEFENDANT:** YES.

12 **THE COURT:** OKAY. AND I DO SO FIND THAT IT'S
13 APPROPRIATE TO DO THAT, AND IF YOU GET ME A WRITTEN ORDER I'LL
14 SIGN IT.

15 **MS. BROWN:** WE WILL, YOUR HONOR.

16 **MR. HANLON:** WE WILL DO THAT, YOUR HONOR.

17 **MR. WANG:** WE'LL DO THAT, YOUR HONOR.

18 **THE COURT:** THANK YOU.

19 **MS. BROWN:** THANK YOU.

20 **MR. HANLON:** THANK YOU VERY MUCH.

21 (THEREUPON, THIS HEARING WAS CONCLUDED.)
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23
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25

1 CERTIFICATE OF REPORTER

2 I, KATHERINE WYATT, THE UNDERSIGNED, HEREBY CERTIFY
3 THAT THE FOREGOING PROCEEDINGS WERE REPORTED BY ME, A CERTIFIED
4 SHORTHAND REPORTER, AND WERE THEREAFTER TRANSCRIBED BY ME INTO
5 TYPEWRITING; THAT THE FOREGOING IS A FULL, COMPLETE AND TRUE
6 RECORD OF SAID PROCEEDINGS.

7 I FURTHER CERTIFY THAT I AM NOT OF COUNSEL OR
8 ATTORNEY FOR EITHER OR ANY OF THE PARTIES IN THE FOREGOING
9 PROCEEDINGS AND CAPTION NAMED, OR IN ANY WAY INTERESTED IN THE
10 OUTCOME OF THE CAUSE NAMED IN SAID CAPTION.

11 THE FEE CHARGED AND THE PAGE FORMAT FOR THE
12 TRANSCRIPT CONFORM TO THE REGULATIONS OF THE JUDICIAL
13 CONFERENCE.

14 IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS
15 3RD DAY OF JUNE, 2008.

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20 S/B KATHY WYATT
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